



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/552,858

10/12/2005

Johannes Ludescher

33166A

2512

84983

7590

11/23/2009

SandozAG (Austria)- LUEDEKA, NEELY & GRAHAM, P.C.

P.O.BOX 1871

Knoxville, TN 37901

EXAMINER

BERCH, MARK L

ART UNIT

PAPER NUMBER

1624

MAIL DATE

DELIVERY MODE

11/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 1624

DETAILED ACTION

The amendment filed 11/12/2009 under 37 CFR 1.116 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance and will not be entered because: The proposed amendment raises new issues that would require further consideration and/or search.

The way claims 20 and 21 have been rewritten, the HCl addition step is optional, and the salt removal step is required, the opposite of what appeared originally. Making the salt removal required is not problematic. However, making the HCl step optional is a problem because the specification says it is required. Further, the claim requires it as well. Note that the final product has, in effect, $m=2$, while V has $m=1$. If no HCl is added, where will the second molecule of HCl come from?

The amendment would otherwise have resolved all matters in the Final Rejection.

Applicants' attention is called to 7339055 and 7479556. Applicants may wish to comment on whether or not applicants believe that there is interfering subject matter claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark L. Berch whose telephone number is 571-272-0663. The examiner can normally be reached on M-F 7:15 - 3:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached on (571)272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark L. Berch/
Primary Examiner
Art Unit 1624

11/20/2009